



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/798,636

03/11/2004

Mahlon William Edmonson JR.

474500-68

6685

7590

10/19/2006

G. Glennon Troublefield, Esq.
c/o Carella, Byrne, Bain, Gilfillan, Cecchi,
Stewart & Olstein
5 Becker Farm Road
Roseland, NJ 07068

EXAMINER

ROJAS, BERNARD

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,636

Applicant(s)

EDMONSON, MAHLON WILLIAM

Examiner

Bernard Rojas

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 43-63 is/are pending in the application.
- 4a) Of the above claim(s) 44-53 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20, 43, 54 and 61-63 is/are allowed.
- 6) ☒ Claim(s) 21, 22, 25-33, 36, 43, 55 and 56 is/are rejected.
- 7) ☒ Claim(s) 23, 24, 34 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments, filed 07/24/2006, with respect to claims 1-20, 43, 54 and 61-63 have been fully considered and are persuasive. The rejection of claims 1-20, 43, 54 and 61-63 has been withdrawn.

Applicant's arguments filed 07/24/2006 with respect to claims 21-22, 25-33, 36, 43 and 55-56 have been fully considered but they are not persuasive. Claims 21-22, 25-33, 36, 43 and 55-56 do not disclose the use of an elongated magnetic field with like polarity to allow greater movement without a change in the electrical state of the sensor or switch.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-22, 25-33, 36, 43 and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holce [US 4,213,110] in view of Posey [US 3,559,124].

Regarding claims 21, 22, 25, 32 43 and 55-56, Holce discloses a magnetically operable apparatus [10] for an alarm control system comprising:

- a contact [14] mountable to a first support member [10] being movable between an open state and a closed state in response to magnetic flux [column 5, lines 1-20]; and

- a magnetic actuator assembly [70] for selectively actuating the contact being mountable to a second support [12] that is displaceable relative to the first support member wherein the magnetic actuator has an effective region of magnetic flux for a given magnet to control actuation of the contact.

Holce disclose everything claimed except the effective region of magnetic flux for a given magnet being such that the first support member can be displaced relative to the second support member a magnitude and direction in excess of the magnetic and direction of displacement obtainable using the given magnet without a change in the electrical state of the contact.

Posey discloses a magnetic actuator [figure 2] for a magnetic reed switch [5] formed of spaced apart magnets that are displaceable relative to the reed switch member wherein the magnetic actuator has an effective region of magnetic flux for given one of the magnets to control actuation of the reed switch [column 3, lines 47-66].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the magnet actuator arrangement of Posey in Holce in order to control the sensitivity of the alarm control system.

Regarding claim 26, Holce discloses everything claimed except the specific normal operating state of the switch.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that the switch could be biased in either an open or closed state dependent upon the desired normal operating state.

Regarding claim 27, Posey further discloses the magnetic fields overlapping [figure 2].

Regarding claim 33, Holce discloses the device being used in a window frame [figure 9].

Claims 28-31 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holce, as modified, as applied to claims 20-22, 25 and 32 above, and further in view of Osterweil [US 6,313,724].

Holce, as modified, disclose everything claimed except the magnetic fields overlapping with the magnets being orientated transversly to a reed switch and being mounted on a steel plate movable relative to the reed switch.

Osterwiel discloses a proximity sensor having magnets [38, 40] being orientated transversly to a reed switch [16] and being mounted on a steel plate [18] movable relative to the reed switch.

Regarding claims 28-29, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use vertical mounting design of Osterwiel for the magnets of Holce, as modified, to concentrate the magnetic field in a smaller area.

Regarding claims 30 and 36, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a steel plate with the magnet system of Holce, as suggested by Osterweil, in order to balance the magnetic fields.

Regarding claims 57-60, Holce discloses everything claimed except the specific normal operating state of the switch.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that the switch could be biased in either an open or closed state dependent upon the desired normal operating state.

Allowable Subject Matter

Claims 1-20, 43, 54 and 61-63 allowed.

Claims 23-24 and 34-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1, 14, 20, 54, the prior art of record does not teach nor suggest, in the claimed combination, a magnetically actuated apparatus a sensor mounted to a first support structure, a magnetic actuator mounted on a second support structure that interacts with the sensor wherein the magnetic actuator has an elongated magnetic field of like polarity extending along its lateral side, which forms an effective region of magnetic flux, wherein the effective region of the magnetic flux allows the first support member to move relative to the second support member a greater distance than obtainable using the region of magnetic flux of the given magnet.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Rojas whose telephone number is (571) 272-1998. The examiner can normally be reached on M-F 8-4:00), every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2832

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bernad Rgn
Br


ELVIN ENAD
SUPERVISORY PATENT EXAMINER
10/16/16